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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,846	02/12/2004	William L. Tonar	GEN 10 P-394A	5891

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EXAMINER

THOMAS, BRANDI N

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/777,846

Applicant(s)

TONAR ET AL.

Examiner

Brandi N Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-36 is/are allowed.
- 6) ☒ Claim(s) 1-18, 23-25, 28 and 29 is/are rejected.
- 7) ☒ Claim(s) 19-22, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/10/04</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .                  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. Acknowledgement is made of receipt of Information Disclosure Statement(s) (PTO-1449) filed 2/12/04 and 5/10/04. An initialed copy is attached to this Office Action.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Larson et al. (5285060).

Regarding claim 1, Larson et al. discloses, in figure 1, a vehicle information display assembly (10), comprising; a light source positioned behind a transfective reflector (12 and 32) with respect to a viewer (col. 3, lines 57-60); and a controller (39) configured to generate a light source control signal as a function of light rays originating from said light source and light rays reflected by said reflector (32) (col. 4, lines 16-39).

Regarding claims 2 and 6, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays originating from said light source are a function of the energy supplied to said light source (col. 3, lines 31-34).

Regarding claims 3 and 7, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays reflected by said reflector (12 and 32) are a function of light rays directed toward said reflector (12 and 32) (col. 3, lines 30-34).

Regarding claims 4 and 8, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays directed toward said reflector (12 and 32) are sensed by a light sensor (18) connected to said controller (39) (col. 3, lines 35-39).

Regarding claim 5, Larson et al. discloses, in figures 2 and 3, a vehicle information display assembly (10), comprising: a light source positioned behind a transfective reflector (12 and 32) with respect to a viewer (col. 3, lines 57-60); and a controller (39) configured to receive a light level signal, said controller is further configured to generate a light source control signal as a function of light rays originating from said light source and light rays reflected by said reflector (12 and 32) when said light level signal is above a threshold (col.4, lines 16-39).

Regarding claim 9, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays directed comprising: a light source positioned behind a transfective reflector (12 and 32) with respect to a viewer (col. 3, lines 57-60); and a controller (39) configured to control a ratio of light rays originating from said light source with respect to light rays reflected by said reflector (col. 4, lines 40-60).

Regarding claim 10, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays originating from said light source are a function of the energy supplied to said light source (col. 3, lines 31-34).

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Regarding claim 11, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays reflected by said reflector (12 and 32) are a function of light rays directed toward said reflector (12 and 32) (col. 3, lines 30-34).

Regarding claim 12, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays directed toward said reflector (12 and 32) are sensed by a light sensor (18) connected to said controller (39) (col. 3, lines 35-39).

Regarding claim 13, Larson et al. discloses a vehicle information display assembly, comprising: a light source positioned behind a variable reflectance transfective reflective element (12 and 32) with respect to a viewer (col. 3, lines 57-60); and a controller (39) configured to control a ratio of light rays originating from said light source with respect to light rays reflected by said reflector (12 and 32) by controlling either (col. 4, lines 40-60); a light source brightness, a reflective element reflectance, or both a light source brightness and a reflective element reflectance (col. 4, lines 16-20 and 40-60).

Regarding claim 14, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays originating from said light source are a function of the energy supplied to said light source (col. 3, lines 31-34).

Regarding claim 15, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays reflected by said reflector (12 and 32) are a function of light rays directed toward said reflector (12 and 32) (col. 3, lines 30-34).

Regarding claim 16, Larson et al. discloses, in figure 1, a vehicle information display assembly (10) wherein said light rays directed toward said reflector (12 and 32) are sensed by a light sensor (18) connected to said controller (39) (col. 3, lines 35-39).

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Regarding claim 17, Larson et al. discloses, in figures 2 and 3, a vehicle information display assembly (10), comprising: a light source positioned behind a variable reflectance transfective element (12 and 32) (col. 3, lines 57-60); and a controller (39) configured to receive a light level signal, said controller is further configured to determine when said light level signal is above a threshold and to generate a light source control signal as a function of either; a light source brightness, a reflective element reflectance, or both a light source brightness and a reflective element reflectance; when said light level signal is above a threshold (col.4, lines 16-39).

Regarding claim 18, Larson et al. discloses, in figure 1, a vehicle information display assembly further comprising a light sensor (18) for sensing ambient light levels wherein said controller (39) is coupled to said light source and said light sensor (18) (col. 3, lines 35-57), said controller (39) determines whether daytime or nighttime conditions are present as a function of the ambient light level sensed by said light sensor (18), and, during daytime conditions (col.4, lines 16-20), said controller varies the brightness level of said display within a first range of brightness levels, and, during nighttime conditions, said controller varies the brightness level of said light source within a second range of brightness levels, which is different from the first range of brightness levels (col. 4, lines 61-68 and col. 5, lines 1-4).

4. Claims 23-25 and 29 are rejected under 35 U.S.C. 102(b) as being unpatentable by Baumann et al. (6020987).

Regarding claim 23, Baumann et al. discloses, in figure 1, a vehicle information display assembly (110) wherein said variable reflectance transfective element is part of the information

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display, and wherein said variable reflectance transfective element comprises: front (112) and rear elements (114), said elements each having front and rear surfaces (112a and 114a); a transparent first electrode (116) including a layer of conductive material carried on a surface of one of said elements (col. 5, lines 43-45); a second electrode (120) disposed on said front surface (112a) of said rear element (114), and an electrochromic material (124) contained between said elements, wherein either said second electrode is a reflective electrode or a separate reflector is disposed over substantially all of said rear surface of said rear element (col. 7, lines 17-21), and wherein at least a portion of said reflective electrode/reflector is transfective (col. 24, lines 41-46).

Regarding claim 24, Baumann et al. discloses a vehicle information assembly (110) it is inherent to provide a computer video monitor as a means to display information onto the rearview mirror.

Regarding claim 25, Baumann et al. discloses, in figure 1, a vehicle information display assembly (110) wherein said second electrode overlying said front surface of said rear element, said second electrode includes a layer of white gold (col. 24, lines 48-51).

Regarding claim 29, Baumann et al. discloses a vehicle information display assembly (110) wherein said second electrode including a first reflective coating and a second coating of transparent electrically conductive material (col.6, lines 5-11).

5. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baumann et al. (6020987) in view of Larson et al. (5285060).

Regarding claim 28, Baumann et al. discloses a vehicle information display assembly (110) further except that it does not show an electroluminescent display. Larson et al. shows that it is known to provide an electroluminescent display to produce a display to be seen by the driver (col. 4, lines 8-10). Therefore it would have been obvious to someone of ordinary skill in the art at the time the invention was made to combine the teaching of Baumann et al. with the electroluminescent display of Larson et al. for the purpose of producing a display to be seen by the driver.

***Allowable Subject Matter***

6. Claims 30-36 are allowed.
7. Claims 19-22, 26, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 19-22, 26, 27 and 30-36, wherein the claimed invention comprises the ranges of brightness are disjoint, represent separate portions of a wider continuous range, overlap, and a subset of the other; a light source for emitting light of a first color, a second color, and a third color; a substantially transparent electrically conductive layer has a thickness that is equal to an odd integer times the desired wavelength of light at which said substantially transparent electrically conductive layer is to be optimized divided by four, as claimed.



***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turnbull et al. (6426568 B2) discloses a switch assembly including a plurality of electrical devices and a plurality of user activated switches.

Schofield et al. (5929786) discloses a vehicle blind spot detection display system, which displays indications from a blind spot detector.

Varaprasad et al. (5668663) discloses an electrochromic mirror and device that exhibits substantially non-spectral selectivity.

Lynam et al. (5446576) discloses a rearview mirror system for a vehicle having an electrochromic reflective element and heating means for uniformly heating.

Srinivasa et al. (5998617) discloses an electrochromic device having at least three electroactive materials.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 571-272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BNT  
July 8, 2004



RICKY MACK  
PRIMARY EXAMINER